TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director / (954)797-1011
Prepared by Deborah Ross, AICP, Planning Supervisor

SUBJECT: Ordinance – Wireless Telecommunications Facilities

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA REPEALING INTERIM REGULATIONS ORDINANCE NO. 2002-27 WIRELESS COMMUNICATIONS FACILITIES, PROVIDING FOR A HIERARCHY OF PREFERRED SITING ALTERNATIVES, CONTAINING PROVISIONS FOR EVALUATIONS OF SITING APPLICATIONS AND ADDING ARTICLE XV, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES" PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

Town Council engaged a consultant, CityScape, Consultants, Inc., to provide a Wireless Telecommunications Master Plan for the Town while simultaneously enacting an interim ordinance to address wireless facility applications. The Interim Ordinance (2002-27) adopted by Council on August 21, 2002, repealed the existing Town ordinance which regulated telecommunications towers and antennas.

The "Master Plan" adopted by Council on June 18, 2003, includes an inventory of existing antenna-supporting structures and buildings; an analysis of expected wireless facility growth for the next ten years; engineering analysis of potential coverage based on Town regulated height restrictions and other locations and design criteria; and recommendations for managing the development of wireless structures for the next ten years.

The intent of the proposed ordinance is to implement the adopted Wireless Telecommunications Master Plan. Highlights of the proposed ordinance includes definition reflecting the new technology, standards for location, structural integrity and compatibility, siting alternatives hierarchy, uses by zoning district, criteria for the location and colocation of wireless communication equipment on existing structures.

The siting alternatives hierarchy found in Section 12-505 of the proposed ordinance defines the siting of a wireless communication facility in the Town according to an

order of ranking, from highest to lowest. A stealth attached wireless communication facility is ranked the highest and continues with colocation on existing antenna supporting structure, stealth wireless communications facility, attached wireless communications facilities, replacement of existing antenna support structure, and new antenna support structure. If a lower ranking is proposed, an affidavit must be filed by the applicant demonstrating that despite diligent efforts to adhere to the established hierarchy within the Geographic Search Area higher ranked options are not feasible. Section 12-508, Uses by Zoning District specifies type of facility and zoning district and if the use is permitted, not permitted, or requires a special permit. For example, a stealth facility is not in the RR, AG, A-1, or R-1 zoning district but is permitted by special permit in the multi-family zoning district and is permitted outright in the non-residential zoning districts, except for RO and WT.

The ordinance further defines development standards and submittal requirements for each type of wireless communication facility.

Additionally, in response to the passage of Senate Bill 1450 in July 2003, the proposed ordinance includes time restraints in regard to the review of wireless communications facilities' applications. For instance, the review of a colocation on an existing antenna supporting structure is 45 days and a new facility (new antenna support structure) is 90 days. If the review of these applications is not completed within these time frames the requests are automatically granted.

PREVIOUS ACTIONS: None

CONCURRENCES: Local Planning Agency recommended approval at its September 24, 2003, meeting (Motion carried 5-0)

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject item complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance

ORDINANCE. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA REPEALING INTERIM REGULATIONS ORDINANCE NO. 2002-27 WIRELESS COMMUNICATIONS FACILITIES, PROVIDING FOR A HIERARCHY OF PREFERRED SITING ALTERNATIVES, CONTAINING PROVISIONS FOR EVALUATIONS OF SITING APPLICATIONS AND ADDING ARTICLE XV, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES" PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie wishes to assure that the Town regulates the provision of the wireless services throughout the Town in a fair and even fashion and does not unduly prohibit the provision of wireless services: and

WHEREAS, an interim ordinance to address wireless facility applications was enacted while the Town's Wireless Telecommunications Master Plan was completed and approved by Town Council; and

WHEREAS, the Town Council desires to protect the natural beauty and rural character of the Town while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and

WHEREAS, the proposed ordinance addresses the state of the wireless industry and technology currently available; and

WHEREAS, the Town of Davie Local Planning Authority held a public hearing on September 24, 2003; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statute on October 1, 2003 on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Article XV Wireless Communications Facilities of the Town Code is added to read as follows:

ARTICLE XV. - WIRELESS COMMUNICATIONS FACILITIES

Section 12-504. Purpose and Intent.

The purpose and intent of this section is to:

(A) Promote the health, safety and general welfare of the public by regulating the siting of wireless communication facilities, including satellite earth stations; and

(B) Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility; and

(C) Encourage the location and colocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures; and

(D) Accommodate the growing need and demand for wireless communication services; and

(E) Encourage coordination between suppliers of wireless communication services in the Town of Davie; and

(F) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the Town, and

(G) Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local code, and

(H) Establish review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time, and

(I) Consideration of and compatibility with the Goals and Objectives of the Town of Davie Comprehensive Plan, and

(J) Protection of the unique natural beauty and rural character of the Town while meeting the needs of its citizens to enjoy the benefits of wireless communications services.

Section 12-505 Siting Alternatives Hierarchy. Siting of a Wireless Communications Facility (as herein defined) shall be in accordance with the following siting alternatives hierarchy:

(A) Stealth Attached Wireless Communications Facility
- (1) On Town-Owned site.
- (2) On Non-Town Owned site.

(B) Colocation on Existing Antenna Supporting Structure.
- (1) On Town-Owned site.
- (2) On Non-Town Owned site.

(C) Stealth Wireless Communications Facility.
(1) On Town-Owned site.
(2) On Non-Town Owned site.

(D) Attached Wireless Communications Facility
(1) On Town-Owned site.
(2) On Non-Town Owned site.

(E) Replacement of Existing Antenna Support Structure.
(1) On Town-Owned site.
(2) On Non-Town Owned site.

(F) New Antenna Support Structure.
(1) On Town-Owned site.
(2) On Non-Town Owned site.

(G) The order of ranking, from highest to lowest, shall be A1, A2, B1, B2, C1, C2, D1, D2, E1, E2, F1 and F2. Where a lower ranked alternative is proposed, the applicant must file an affidavit demonstrating that despite diligent efforts to adhere to the established hierarchy within the Geographic Search Area, as determined by a qualified radio frequency engineer, higher ranked options are not feasible.

Section 12-506 Definitions.

For the purposes of this division, the terms and phrases listed below shall have the following meanings:

Ancillary Structures means forms of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy wire anchors, generators, and transmission cable supports; however, specifically excluding equipment enclosures.

Anti-Climbing Device means a piece or pieces of equipment which are either attached to antenna-supporting structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones", the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed or razor wire.

Antenna means any apparatus designed for the transmitting and/or receiving of electromagnetic waves that includes but is not limited to telephonic, radio or television communications. Types of antennas include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array means a single or group of antennas and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

Antenna-Supporting Structure means a vertical projection composed of metal, or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet.

Attached Wireless Communication Facility means an antenna or antenna array that is attached to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either inside or outside of the existing building. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Breakpoint Technology means the engineering design of a monopole wherein a specified point on the monopole is designed to have stresses at least 5% more susceptible to failure than any other point along the monopole, including the anchor bolts and baseplate, so that in the event of a weather induced failure of the monopole, the failure will occur at the breakpoint rather than at the baseplate or any other point on the monopole.

Colocation means a situation in which two or more different wireless communication service providers place wireless communication antenna or antennas on a common antenna-supporting structure.

Combined Antenna as used herein shall mean an antenna or an array of antennas designed and utilized to provide services for more than one carrier, for the same type of services

Development Area means the area occupied by a wireless communications facility including areas inside or under the following: an antenna-supporting structure's framework, equipment enclosures, ancillary structures, and access ways.

Equipment Enclosure means any structure above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures. Equipment enclosures are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals and not for the storage of equipment nor as habitable space.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Guyed means a style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

Geographic Search Area means an area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

Handoff Candidate means a wireless facility that receives call handoffs from another particular wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Lattice means a tapered style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

Master Telecommunications Plan as used herein shall mean a plan developed for the Town of Davie intended to enforce the planning and zoning issues of the town while complying with all applicable laws, rules and mandates of governing bodies.

Monopole means a style of free-standing antenna-supporting structure that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building's roof.

Personal Wireless Service means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Public Antenna-Supporting Structure means an antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

Radio Frequency Emissions means any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna-supporting structure, building, or other vertical projection.

Replacement means the construction of a new antenna-supporting structure built to replace an existing antenna-supporting structure.

Satellite Earth Station means a single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

State of the Art as used herein shall mean existing technology where the level of facilities, technical performance, capacity, equipment, components and service are equal to that developed and demonstrated to be more technologically advanced than generally available for comparable service in the State of Florida.

Stealth Attached Wireless Communication Facility means an antenna or antenna array that is attached to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either inside or outside of the existing building, and which is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A stealth attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Stealth Wireless Communications Facility means a wireless communications facility, ancillary structure, or equipment enclosure that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A stealth facility may have a secondary function, including, but not limited to the following: church steeple, windmill, bell tower, spire, clock tower, cupola, light standard, flagpole with a flag, or tree).

Wireless Communications means any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

Wireless Communication Facility (WCF) means any staffed or unstaffed facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment enclosures, and may include an antenna-supporting structure. The following developments shall be considered as a Wireless Communication Facility: developments containing new or existing antenna-supporting structures, public antenna-supporting structures, replacement antenna-supporting structures, colocation on existing antenna-supporting structures, attached wireless communications facilities, stealth wireless communication facilities, and satellite earth stations.

Section 12-507 Applicability.

(A) Except as provided for in subsection (B) below, this section shall apply to development activities including installation, construction, or modification to the following wireless communications facilities:

(1) Existing antenna-supporting structures; and

(2) Proposed antenna-supporting structures; and

(3) Public antenna-supporting structures; and

(4) Replacement of existing antenna-supporting structures; and

(5) Colocation on existing antenna-supporting structures; and

(6) Attached wireless communications facilities; and

(7) Stealth wireless communications facilities.

(B) The following items are exempt from the provisions of this section, notwithstanding any other provisions contained in zoning codes of the Town of Davie:

(1) Non-Commercial, Amateur radio antennas as provided in Florida Statutes 125.561 which are less than fifty (50) feet in height in all residential districts and eighty (80) feet in height in all other zoning districts. Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with heights greater than as provided above shall be regulated in accordance with Section 12-520; and

(2) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than twenty (20) feet above grade in residential districts and thirty-five (35) feet above grade in all other zoning districts; Notwithstanding same, in order to promote the health, safety and welfare of the public, all such satellite earth stations shall meet applicable mounting and installation standards in accordance with the current edition of the Florida Building Code requirements as well as electrical grounding requirements of same; and

(3) Regular maintenance of antenna elements of any existing wireless communications facility that does not include the replacement or addition of any new antenna elements and/or transmission lines on the facility or the placement of any new wireless communications facility; and

(4) Any existing or proposed antenna-supporting structure, antenna or antenna arrays with an overall height of twenty feet or less in all

residential districts and thirty-five (35) feet or less above ground level in all other zoning districts.

(5) A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town Administrator or its designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.

(6) Antenna supporting structures, antennas and/or antenna arrays for AM/FM/TV/DTV Broadcasting transmission facilities that are licensed by the Federal Communications Commission shall be regulated in accordance with other provisions of the Town of Davie Codes.

(7) Facilities exempt under subsections (1) and (2) above shall be limited to only one (1) amateur antenna and support structure per residential lot, and a maximum of two (2) satellite dishes per residential lot, provided neither unit is larger than one (1) meter in diameter. Satellite dishes in any residential district that exceed one (1) meter in diameter shall be permitted by the Town Administrator or his designee.

(C) All applications for wireless communications facilities under this Article XV, except for those applications for Satellite Earth Stations under Section 12-518(B) and for Antenna Element Replacement under Section 12-520 herein, shall come before the Town Council for consideration.

Section 12-508 Uses by Zoning District.

(A) Except as provided in subsection (B) below, no wireless communications facility shall be allowed in a particular zoning district except in accordance with the table below.

Zoning District	Stealth Facility	Colocation	Stealth Attached Facility	Attached Facility	Replacement of Existing Antenna Structure	New Facility
Residential						
RR	N	N	N	N	SP	N
AG	N	N	N	N	SP	N
S	SP	SP	N*	N*	SP	N
A-1	N	N	N	N	SP	N
R-1	N	N	N	N	SP	N
R-2-5	SP	SP	N*	N*	SP	N
RM -5	SP	SP	N*	N*	SP	N
RM-8-16	SP	SP	N*	N*	SP	N
MH-1-10	SP	SP	N*	N*	SP	N
Commercial Office & Business						
SC & B1**	P	P	P	P	SP	SP
WT	SP	SP	SP	SP	N	N
B2	P	P	P	P	SP	SP
UC& B-3**	P	P	P	P	SP	SP
O	P	P	P	P	SP	SP
FB	P	P	P	P	SP	SP
CC	P	P	P	P	SP	SP
C1	P	P	P	P	SP	SP
RO	SP	SP	SP	SP	N	N
CBC	P	P	P	P	P	SP
GC(Griffin Corridor)	SP	SP	SP	N	N	N
Business Park and Industrial						
BP	P	P	P	P	P	SP
M-1	P	P	P	P	P	SP
M-2	P	P	P	P	P	SP
M-3	P	P	P	P	P	SP
TS	P	P	P	P	P	SP
Recreational Community Facilities & Utilities						
RS	P	P	P	P	P	P

CR	P	P	P	P	P	P
Zoning District	**Stealth Facility**	**Colocation**	**Stealth Attached Facility**	**Attached Facility**	**Replacement of Existing Antenna Structure**	**New Facility**
NCF	P	SP	P	SP	SP	SP
CF	P	P	P	P	P	P
PCF	P	P	P	P	P	P
U	P	P	P	P	P	P

P – Permitted. SP- Special Permit N- Not Permitted

* A facility in this zoning district which is otherwise prohibited shall be eligible for a Special Permit if attached to a building for which the principal use is non-residential and there is no residential use on the same lot.
**For those design based zoning districts SC and UC, the setback regulations shall be the same as the B-1 and B-3 zoning district respectively.

(B) In all residential districts, Wireless Communications Facilities, shall only be permitted on parcels where the principal use is not as a residential structure.

Section 12-509 Development Standards – New Antenna Supporting Structures.

(A) These standards shall apply to New Antenna Supporting Structures:

(1) Approval criteria for new antenna-supporting structures:

a. Setbacks.

1. Any new antenna-supporting structures, equipment enclosures and ancillary structures shall meet the minimum setback requirements for the zoning district where they are located, except that where the minimum setback distance for an antenna supporting structure from any property line or public right of way is less than the height of the proposed antenna-supporting structure, the minimum setback distance shall be increased to equal the height of the proposed antenna supporting structure, unless the antenna-supporting structure has been constructed using "breakpoint" design technology, in which case the minimum setback distance shall be equal to 110% of the distance from the top of the structure to the "breakpoint" level of the structure, plus the minimum setback distance. For example, on a 100 foot tall monopole with a "breakpoint" at 80 feet,

the minimum setback distance would be 22 feet (110%) of 20 feet, the distance from the top of the monopole to the "breakpoint", plus the minimum setback for that zoning district. However, in all instances, the minimum setback distance from the setback line of any residentially zoned property, with an inhabited residence or proposed residences, shall be at least 200% of the height of the entire proposed structure. Certification by a Professional Engineer licensed by the State of Florida of the "breakpoint"design and the design's fall radius must be provided together with the other information required herein from an applicant.

2. Notwithstanding the foregoing, if the structure is located in the FB or BP zoning district, the minimum setback shall be 35 feet from the adjacent property line or public right-of-way, unless the adjacent use is residential in which case the provisions above shall apply.

b. Height.

The overall height of any antenna-supporting structure, antenna and/or antenna array shall not be greater than one hundred and twenty (120) feet. Height for all purposes in this Section shall mean the linear distance from the ground to the highest physical point on the Wireless Communications Facility.

c. Construction.

New antenna-supporting structures shall have a monopole type construction only, and shall not be guyed or have a lattice type construction.

d. Structural Integrity.

1. The entire antenna-supporting structure and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications; and

2. The new antenna-supporting structure shall be designed to accommodate the maximum amount of wireless communications equipment, including that of other wireless communication service providers. The exact amount of potential additional equipment and/or colocated facilities to be accommodated shall be agreed upon during a pre-application conference and recorded in the Letter of Understanding resulting from the conference. In all cases,

the minimum number of colocated facilities on a new antenna-supporting structure between 80 and 120 feet in height shall be three (3), and the minimum number of collocated facilities on a new antenna supporting structure between 40 and 80 feet in height shall be two (2).

e. Lighting.

New antenna-supporting structures shall be illuminated in accordance with FAA requirements to provide aircraft obstruction lighting, where required. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA. No other structure lighting shall be permitted except that required by the FAA.

f. Colocation Feasibility.

1. No antenna-supporting structure shall be permitted unless the applicant demonstrates that no existing wireless communications facility can accommodate the applicant's proposed facility; or that use of such existing facilities would prohibit personal wireless services in the area of the Town to be served by the proposed antenna-supporting structure.

2. Evidence submitted to demonstrate that no existing wireless communications facility could accommodate the applicant's proposed facility may consist of any of the following:

(i) No existing wireless communications facilities located within the geographic area meet the applicant's engineering requirements.

(ii) Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.

(iii) Existing wireless communications facilities do not have sufficient structural strength to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be structurally improved.

(iv) The applicant demonstrates that there are other limiting factors that render existing wireless communications facilities unsuitable.

g. Color.

New antenna-supporting structures shall maintain a galvanized gray finish or other accepted contextual or compatible color, except as required by federal rules or regulations.

h. Radio Frequency Emissions.

The radio frequency emissions shall comply with FCC standards for such emissions on an individual and cumulative basis with any adjacent facilities. The applicant shall certify that the proposed facility shall cause no harmful interference to the existing Town of Davie Public Safety Communications equipment.

i. Intensity Requirements.

1. For the purposes of impact fee calculation, the floor area for a wireless communications facility shall be considered as only the total square footage of all equipment enclosures, i.e. the entire fenced-in area; and

2. The following shall be considered as development area and shall be required to meet the setbacks and open space ratio requirements for the zoning district and/or habitat where they are located:

(i) The area beneath all equipment enclosures; plus

(ii) The area of the antenna-supporting structure foundation at or above grade; plus

(iii) The area beneath ancillary structures; plus

(iv) The area inside the antenna-supporting structure framework.

j. Security.

Applicants shall provide for a fence around the proposed facility that meets the requirements of Section 12-113 of these Codes. Alternative equivalent screening may be approved through the site plan approval process in Section 12-374 of these Codes. Any security lighting for on-ground facilities and equipment shall be in compliance with Section 12-260 of these Codes and shall minimize the potential attraction to migratory birds.

k. Landscaping.

Landscaping and buffering shall be required around the perimeter of Development Areas, as required by Section 12-100 et seq. of these Codes except that the Town Council may waive the required landscaping otherwise required under Section 12-101 of these Codes on one or more sides of the Development Areas or allow the placement of required landscaping elsewhere on the Development Area when the required landscape area is located adjacent to undevelopable lands or lands not in public view. Alternative landscaping may be approved by the Town Council. Landscaping shall be installed on the outside of the perimeter fence or wall. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements, subject to approval by the Town Council. Where not inconsistent with Sections 12-100 et seq., landscaping shall be placed in a manner so as to maximize the screening between residential areas and the wireless telecommunications facility and minimize the view of the facility from any residential areas and public roads and right of ways.

1. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative siting on the parent tract of the proposed facility may be considered and approved by the Town Council, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of Sections 12-100 et seq. of these Codes.

l. Signage.

The only signage that is permitted upon an antenna-supporting structure, equipment enclosures, or fence

(if applicable) shall be informational, and for the purpose of identifying the antenna-supporting structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). If more than two hundred twenty (220) voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter: four (4) inches)
the following: "HIGH VOLTAGE - DANGER."

m. Adverse Effects on Adjacent Properties.

1. New antenna-supporting structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and location proposed.

2. The following attributes shall be considered from vantage points at adjacent properties, roadways and occupied structures:

(i) Height and location; and

(ii) Mass and scale; and

(iii) Materials and color; and

(iv) Illumination; and

(v) Existing and proposed vegetation and intervening structures.

(vi) Overall aesthetics of the proposed structure.

An applicant shall demonstrate through the photo-simulation requirements under Subsection (2) j. hereinbelow that the project design employs each of these attributes in a manner that minimizes adverse effects to the greatest extent feasible.

(2) Submittal requirements for new antenna-supporting structure applications shall include:

a. A completed application form and any appropriate fees; **and**

b. Twelve (12) sets (24″ x 36″) of signed and sealed site plans, including tower elevations, and landscape plans if required, and two (2) reduced copies (8 ½″ x 11″), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities; **and**

c. A property card for the subject property from Broward County Property Appraiser's Office or a tax bill showing the ownership of the subject parcel; **and**

d. A form indicating that a property and/or antenna-supporting structure's owner's agent has authorization to act upon their behalf (if applicable); **and**

e. A signed statement from the antenna-supporting structure's owner or owner's agent stating that the radio frequency emissions comply with FCC standards for such emissions certifying that both individually and cumulatively with any other facilities located on or immediately adjacent to the proposed facility; **and**

f. Proof of FCC authority to transmit and/or receive radio signals in the Town of Davie; **and**

g. Prior to issuance of a building permit, a stamped or sealed structural analysis of the proposed antenna-supporting structure prepared by a Professional Engineer licensed by the State of Florida indicating the proposed and future loading capacity of the antenna-supporting structure; **and**

h. One original and two (2) copies of a survey of the property completed by a licensed Florida Professional Surveyor and Mapper which shows all existing uses, structures, and improvements; **and**

i. A landscape plan in accordance with the provisions of Section 12-113 of these Codes; **and**

j. Photo-simulated post construction renderings of the proposed antenna-supporting structure, equipment enclosures, and ancillary structures as they would look after construction from locations to be determined during the pre-application conference (but shall, at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non- residential or -residential structures), as well as photo-simulations of the antenna supporting structure after it has been fully developed with antenna structures (applicant may assume for the purpose of the simulation that other antenna structures on the facility will resemble their proposed structure in size and design), proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples (all mounted on color board no larger than 11" by 17" indicating Light Reflectance Values (LRV); **and**

k. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace; **and**

l. A signed statement from the antenna-supporting structure owner agreeing to allow the colocation of other wireless equipment on the proposed antenna-supporting structure; **and**

m. If the United States Fish and Wildlife Service requires the applicant to submit any information to it concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the Town of Davie as part of the application package; **and**

n. All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this chapter, including where applicable:

1. existing wireless communications facilities to which the proposed facility will be a handoff candidate, including latitude, longitude, and power levels of each;

2. a radio frequency propagation plot indicating the coverage of existing wireless communications sites, and that of the proposed site sufficient to demonstrate radio frequency search area, coverage prediction, and

design radius, together with a certification from the applicant's radiofrequency engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a stealth facility, attached facility, replacement facility, colocation, or new antenna supporting structure.;

3. a statement that the proposed facility conforms with State of the Art, as defined herein, or alternatively, that State of the Art technology is unsuitable for the proposed facility. Costs of State of the Art technology that exceed facility development costs shall not be presumed to render the technology unsuitable.

4. prior to issuance of a building permit, a statement by a Professional Engineer licensed by the State of Florida specifying the design structural failure modes of the proposed facility; and

5. antenna heights and power levels of the proposed facility and all other facilities on the subject property.

6. a statement from the applicant that demonstrates that alternative locations, configurations, and facility types have been examined; and addresses in narrative form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and location proposed including but not limited to:

(i) Height; and
(ii) Mass and scale; and
(iii) Materials and color; and
(iv) Illumination;
(v) Overall aesthetics; and
(vi) Information addressing the following items

(a) The extent of any existing or proposed commercial development within the Geographic Search Area of the proposed facility;
(b) the proximity of the structure to any existing or proposed residential dwellings;

(c) the proximity of the structure to any existing or proposed public buildings or facilities;

(d) the existence or proposal of tall and like structures within the Geographic Search Area of the proposed structure;

o. Title Report or A.L.T.A. Survey showing all easements on the subject property, together with a full legal description of the property.

p. A vicinity map delineating the location and classification of all major public or private streets and rights-of-way, driveways, public parking areas, pedestrian ways, trails and bikeways within 600 feet of property boundary, including zoning district boundaries, on a 24" x 36" sheet, together with a list of property owners within 1000 feet of the subject property and keyed to the map. The list must be from the most current ownership information supplied by the Broward County Property Appraiser's Office, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is as accurate as possible.

q. Any other information required by the Town Administrator in its General Submittal Requirements for Wireless Communications Facilities, together with an application fee in the amounts set forth in the Town of Davie's current Fee Schedule.

(3) A pre-application conference is required for any new antenna-supporting structure.

At the time a pre-application conference is held, the applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the Town of Davie as indicated on the list of wireless service providers provided by the Town Administrator:

"Pursuant to the requirements of the Town of Davie Code of Ordinances, (name of provider) is hereby providing you with notice of our intent to

meet with the Town of Davie Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at _____(location)_____. In general, we plan to construct a support structure of _____ feet in height for the purpose of providing _____(type of wireless service)_____. Please inform the Town Administrator and us if you have any desire for placing additional wireless facilities or equipment within two (2) miles of our proposed facility. Please provide us with this information within twenty (20) business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (pre-application applicant, wireless provider)"

Included with the notice shall be the latitude and longitude (NAD- 83) of the proposed structure, and the actual proposed physical address. Within twenty (20) days of receiving a timely response from an interested potential co-applicant, the applicant shall inform the respondent and the planning division in writing as to whether or not the potential colocation or combining is acceptable and under what conditions. If the colocation or combining is not acceptable, then the applicant must provide the respondent and the planning and zoning division written justification as to why the colocation or combining is not feasible.

(4) For all structures requiring a special permit, all property owners within one thousand (1000) feet of the property boundary where the proposed structure will be constructed shall receive written notice of the application via certified mail from the applicant.

12-510 Development Standards - Replacement of an Existing Antenna-Supporting Structure.

(A) Approval criteria for replacement antenna-supporting structures

(1) For a proposed replacement antenna-supporting structure to be approved, it shall meet the approval criteria as set forth in Section 12-509 (A) (1) d., e., and g. through l. , as well as the following:

(2) Setbacks.

a. Any new equipment enclosures shall meet the minimum setback requirements for the zoning district where they are located; and

b. Replacement antenna-supporting structure foundations constructed on a property or properties which is/are contiguous to residential zones shall not be any closer to

these zones than the foundation of the original antenna-supporting structure being replaced; and

c. Any replacement antenna-supporting structures shall meet the minimum setback requirements for the zoning district where they are located, except that where the minimum setback distance for an antenna supporting structure from any property line or public right of way is less than the height of the proposed antenna-supporting structure, the minimum setback distance shall be increased to equal the height of the proposed antenna supporting structure, unless the antenna-supporting structure has been constructed using "breakpoint" design technology, in which case the minimum setback distance shall be equal to 110% of the distance from the top of the structure to the "breakpoint" level of the structure, plus the minimum setback distance. For example, on a 100 foot tall monopole with a "breakpoint" at 80 feet, the minimum setback distance would be 22 feet (110%) of 20 feet, the distance from the top of the monopole to the "breakpoint", plus the minimum setback for that zoning district. However, in all instances, the minimum setback distance from the setback line of any residentially zoned property, with an inhabited residence or proposed residences, shall be at least 200% of the height of the entire proposed structure. Certification by a Professional Engineer licensed by the State of Florida of the "breakpoint"design and the design's fall radius must be provided together with the other information required herein from an applicant.

(3) Height.

Replacement antenna-supporting structures, antennas and/or antenna arrays shall not exceed 120 feet.

(4) Construction.

a. Replacement antenna-supporting structures, antennas and/or antenna arrays shall have a monopole construction.

b. As an alternative to a new monopole type construction for the replacement structure at the existing site, an applicant may request the construction of two (2) distinct facilities at two different locations consisting of either stealth or attached facility construction, which facilities, when

collectively utilized, will permit at a minimum the same number of Wireless Communications Facilities on the two new facilities as were capable of being placed on the existing structure sought to be replaced.

c. The alternative facilities provided in subsection b. above shall be processed as one (1) application under this Code and shall require only one application fee. Such alternative facilities shall be evaluated and permitted in accordance with the standards and requirements as set forth in the stealth facilities and attached facilities provisions of this Code.

(5) Removal of old structure shall be completed within 90 days of completion of replacement structure and otherwise subject to the abandonment provisions as indicated in Section 12-516 hereinbelow.

(B) Submittal requirements for replacement antenna-supporting structure applications:

(1) For a proposed replacement antenna-supporting structure application to be considered complete, it shall contain the same submittal materials required as indicated in Section 12-509 (A)(2) a. through i., k., l., n. 1. through 4., o., p and q.

(2) For proposed alternative replacement structures as provided in subsection (A)(4) b. above, a complete application shall contain all of the requirements specified in 12-512(B), if it is an attached facility is proposed and 12-514 (B) if a stealth facility, as applicable.

12-511 Colocation on an Existing Antenna-Supporting Structure.

(A) Approval criteria for colocation on existing antenna-supporting structures:

(1) For a colocation on an existing antenna-supporting structure to be approved, it shall meet with approval criteria in Section 12-509 (A) (1) h. through l. as well as the following:

(2) Height.

A colocation on an existing antenna-supporting structure shall not increase the overall height of the antenna-supporting structure, antenna and/or antenna array beyond 120 feet.

(3) Structural Integrity.

Any colocation on an existing antenna-supporting structure shall meet current building code requirements (including windloading).

(B) Submittal requirements for colocation on an existing antenna-supporting structure applications:

(1) For a colocation on an existing antenna-supporting structure application to be considered complete, it shall contain submittal materials as indicated in Section 12-509(A) (2), a. through f., h., i., n. 1. through 4., o., p. and q., as well as the following:

a. A stamped or sealed structural analysis of the existing antenna-supporting structure prepared by Professional Engineer licensed by the State of Florida indicating that the existing antenna-supporting structure as well as all existing and proposed appurtenances meets current building code requirements (including windloading) for the antenna-supporting structure.

b. A copy of the lease or sublease between the owner of the antenna-supporting structure and the applicant seeking to place additional wireless equipment on the structure. Clauses related to lease term or rent may be deleted or censored.

c. A certification from the applicant that the radio frequency emissions from the proposed facility, individually and in conjunction with the existing facilities to which collocation is proposed, meet all applicable Federal guidelines.

12-512 Attached Wireless Communications Facilities.

(A) Approval criteria for attached wireless communications facilities:

(1) For a proposed attached wireless communications facility to be approved, it shall meet the approval criteria , as indicated in Section 12-509(A) (1) h., i., j. and l., as well as the following:

(2) Accessory Use.

An attached wireless communications facility shall be an accessory use as defined by Section12-503 of the Code of Ordinances of the Town of Davie; and

(3) Height.

a. The antenna, antenna array, attachment device, equipment enclosure and/or any ancillary equipment shall not extend above the highest point of the building by more than twenty (20) feet; and

b. Existing or proposed attached wireless communications facilities which project more than twenty (20) feet above the highest point of the building upon which it is mounted shall be considered as an antenna-supporting structure and subject to the provisions for these types of uses pursuant to Section 12-509(A); and

(4) Construction.

Attached facilities may have a guyed, lattice, or monopole type construction, but in no case shall a lattice type construction exceed a height of ten (10) feet from the base of the attached facility; and

(5) Color.

All attached antenna or antenna arrays, equipment enclosures and ancillary equipment visible from outside the building where they are located shall be painted so as to blend in with the building where they are placed; and

(6) Screening and Placement.

a. Attached wireless communications facilities shall be screened by a parapet or other device so as to minimize its visual impact as measured from the boundary line of the subject property. Attached facilities shall be placed in the center of the building where reasonably possible so as to further minimize visual impact; and

b. An attached wireless communications facility shall only be attached to a non-residential building.

(B) Submittal requirements for attached wireless communications facility applications:

(1) For a proposed attached wireless communication facility application to be considered complete, it shall contain submittal materials as indicated in Section 12-509(A)(2) a. through f., h., n. 1. through 4., o. p. and q.

(2) Certification from a Professional Engineer licensed by the State of Florida and the applicant that the structure or rooftop to which the facility will be attached has the structural capability to accommodate such attachment, in accordance with the provisions of the current Florida Building Code.

12-513 Stealth Attached Wireless Communications Facilities.

(A) Approval criteria for stealth attached wireless communications facilities:

(1) For a proposed attached wireless communications facility to be approved, it shall meet with the approval criteria as indicated in Section 12-509(A) (1), h., i., j. and l. as well as the following:

(2) Accessory Use.

An attached wireless communications facility shall be an accessory use as defined by Section12-503 of the Code of Ordinances of the Town of Davie; and

(3) Height.

a. The antenna, antenna array, attachment device, equipment enclosure and/or any ancillary equipment shall not extend above the highest point of the building by more than twenty (20) feet; and

b. Existing or proposed stealth attached wireless communications facilities which project more than twenty (20) feet above the highest point of the building upon which it is mounted shall be considered as an stealth wireless communications facility and subject to the provisions for these types of uses pursuant to Section 12-514; and

(4) Aesthetics.

No stealth attached wireless communications facility, whether fully enclosed within a building or otherwise, shall have antennas, antenna arrays, transmission lines, equipment enclosures or other ancillary equipment that is readily identifiable from the public domain as wireless communications equipment. Examples of

stealth attached wireless communications facilities include, but are not limited to, false building facades, marquees, and false parapets. Any equipment associated with the stealth attached wireless communications facility which produces noise shall be sited and/or insulated in such a fashion as to minimize the audio impact on adjacent property.

(B) Submittal requirements for a stealth attached wireless communications facility applications:

(1) For a proposed stealth attached wireless communication facility application to be considered complete, it shall contain submittal materials as indicated in Section 12-509(A)(2), a. through f., h., n. 1. through 4.,o., p. and q.

(2) Certification from a Professional Engineer licensed by the State of Florida and the applicant that the structure or rooftop to which the facility will be attached has the structural capability to accommodate such attachment, in accordance with the provisions of the current Florida Building Code.

12-514 Stealth Wireless Communications Facilities.

(A) Approval criteria for stealth wireless communications facilities:

(1) Setbacks.

a. Stealth facilities shall meet the minimum setback requirements for the zoning district where they are located for the type of structure used or simulated or shall meet the requirements of 12-509(A)(1)a., whichever is greater.

(2) Height.

Stealth wireless communications facilities shall not exceed one hundred (100) feet in overall height, and shall be compatible with existing adjacent structures.

(3) Construction.

No stealth wireless communications facility shall be guyed or have lattice type construction.

(4) Structural Integrity.

The stealth facility shall be designed to meet all current building code requirements (including windloading) contained in the Florida Building Code.

(5) Aesthetics.

No stealth facility, whether fully enclosed within a building or otherwise, shall have antennas, antenna arrays, transmission lines, equipment enclosures or other ancillary equipment that is readily identifiable from the public domain as wireless communications equipment. Examples of stealth facilities include, but are not limited to, windmills, flagpoles, light stanchions, clock towers, steeples, cupolas and trees. Any equipment associated with the stealth facility that produces noise shall be sited and/or insulated in such a fashion as to minimize the audio impact on adjacent property.

(B) Submittal requirements for stealth wireless communications facilities:

(1) For a proposed stealth wireless communications facility application to be considered complete, it shall contain submittal materials as indicated in Section 12-509(A)(2) a. through i., k., l., n. 1. through 4., o., p. and q. as well as a photo-simulated post construction renderings of the proposed stealth facility, equipment enclosures, and ancillary structures as they would look after construction from the public domain.

(2) For a proposed stealth wireless communications facility that is not ground-mounted, the Town Council may waive certain submittal requirements to reflect the necessary documentation required to demonstrate compliance with the provisions of this section.

Sec. 12-515 Supplemental Review.

(A) Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility requiring a special permit, the Town Council may require a supplemental review by a third party expert, the costs of which shall be borne by the applicant, which sum shall be in addition to site plan and special permit fees. Applicant shall submit a deposit of $2,000.00 towards the cost of such supplemental review upon written notification from the Town Council that a supplemental review is required, and shall remit any outstanding

balance to the Town for such review (not to exceed the total costs set forth in The Town of Davie's current Fee Schedule for supplemental review) prior to issuance of a building permit. New antenna supporting structures **shall** require a supplemental review. The Town Council **reserves the right to** require a supplemental review for any other type of structure.

(B) The supplemental review may address any or all of the following:

(1) The accuracy and completeness of submissions;

(2) The applicability of analysis techniques and methodologies;

(3) The validity of conclusions reached;

(4) Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in these Codes; and

(5) Other matters deemed by the Town Council to be relevant to determining whether a proposed wireless communications facility complies with the provisions of these codes.

(C) Based on the results of the supplemental review, the Town Council may require changes to the applicant's application or submittals.

(D) The applicant shall reimburse the Town within fifteen (15) working days of the date of receipt of an invoice for expenses associated with the third party's supplemental review of the application. Failure by the applicant to make reimbursement pursuant to this section shall abate the pending application until paid in full.

Section 12-516 Abandonment.

(A) Towers and antenna shall be removed, at the owner's expense, within one hundred eighty (180) days of cessation of use, unless the abandonment is associated with a replacement antenna structure as provided hereinabove, in which case the removal shall occur within ninety (90) days of cessation of use.

(B) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Town Administrator may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause. If the tower or antenna is not removed in a timely fashion, the Town of Davie may give notice that it will contract for removal within thirty (30) days following written notice to the owner. Thereafter, the Town of Davie may cause removal at the cost of the owner.

(C) Upon removal of the wireless telecommunication facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings.

Section 12-517 Town-Owned Property.

(A) Pursuant to applicable law, the Town may contract with a third party to administer Town-owned property for purposes of developing Town-owned sites as part of a Master Telecommunications Plan, consistent with the terms of this ordinance. Except as specifically provided herein, the terms of this ordinance, and the requirements established thereby, shall be applicable to all Wireless Communications Facilities to be developed or colocated on Town-owned sites.

(B) If an applicant requests a permit to develop a site on town-owned property, the permit granted hereunder shall not become effective until the applicant and the town have executed a written agreement or lease setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the town will be granted.

(C) *Nonexclusive grant.* No permit granted under this Section 12-517 shall convey any exclusive right, privilege, permit or franchise to occupy or use the public lands of the town for delivery of telecommunications services or any other purpose.

(D) *Rights granted*. No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the grant. Further, no permit shall be construed as a conveyance of a title interest in the property.

Section 12-518 Satellite Earth Stations

(A) Satellite earth stations that are greater than one (1) meter (39.37 inches) in diameter in residential districts and greater than two (2) meters in diameter in all other zoning districts and which are **greater** than twenty (20) feet above grade in residential districts and thirty-five (35) feet above grade in all other zoning districts shall be subject to receipt of a special permit; submittal requirements shall include those items enumerated in Section 12-509(A) (2) a., h., i., j., n. 6., p. and q., together with the application fee as set forth in the Town of Davie's current Fee Schedule. In addition, if the satellite earth station is to be attached to a roof or building, a letter certifying the roof's and building's structural stability shall be written and sealed by a Professional Engineer licensed by the State of Florida, and shall be submitted to the Town Administrator, prior

to any approval of a roof-mounted satellite earth station. Roof-mounted satellite earth stations that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

(B) Satellite earth stations that are greater than one (1) meter (39.37 inches) in diameter in residential and neighborhood service districts and greater than two (2) meters in diameter in all other zoning districts and which are **less than** twenty (20) feet above grade in residential and neighborhood service districts and thirty-five (35) feet above grade in all other zoning districts shall be permitted so long as they employ a stealth design, i.e. patio umbrella or faux boulder or are otherwise surrounded by landscaping designed in accordance with Section 12-100 et seq. of the Town Code of Ordinances that prevents the earth station from being seen on all four sides. No stealth designed satellite earth station, whether fully enclosed within a building or otherwise, shall have antennas, antenna arrays, transmission lines, equipment enclosures or other ancillary equipment that is readily identifiable from the public domain as a satellite earth station. Alternatively, a satellite earth station may be attached to a roof or building, provided that a letter certifying the roof's and building's structural stability shall be written and sealed by a Professional Engineer licensed by the State of Florida, and shall be submitted to the Town Administrator, prior to any approval of a roof-mounted satellite earth station. Roof-mounted satellite earth stations that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

Section 12-519 – Amateur wireless facility (over Eighty (80) feet).

In all zoning districts, an applicant proposing an Amateur wireless facility in excess of eighty (80) feet shall be required to obtain a special permit.

(A) Application Requirements:

(1) Site plan application in accordance with the site plan requirements of the Town of Davie Code of Ordinances contained in Section 12-372.
(2) Applicant's copy of current, valid FCC license for amateur radio operation.
(3) Site plan sketch showing all proposed structures (e.g. support structures, anchorage) and setbacks from such structures to property boundaries.
(4) Payment of application fee as provided in the Town of Davie's current Fee Schedule.

(B) Approval Criteria for amateur wireless facility over eighty (80) feet:

(1) Said facility shall be accessory to a legal, principal use on site (e.g. residence).

(2) Structures, including towers, shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located.

(3) Applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.

(4) If more than two hundred twenty (220) voltage is present in the ground grid or in the tower, a sign shall be attached to the tower and shall display in large bold letters the following: "HIGH VOLTAGE--DANGER."

Section 12-520 Antenna Element Replacement.

(A) Any modification of an existing Wireless Communications Facility, including but not limited to replacement of existing antenna elements on such Wireless Communications Facility, must, prior to making such modifications, submit an application which contains;

(1) A description of the proposed modifications to the Wireless Communications Facility, including modifications to antenna element design, type and number, as well as any additional feed lines from the base of the Wireless Communications Facility to such antenna elements;

(2) A signed statement from the Wireless Communications Facility's owner or owner's agent stating that the radio frequency emissions comply with FCC standards for such emissions certifying that both individually and cumulatively with any other facilities located on or immediately adjacent to the proposed facility;

(3) A stamped or sealed structural analysis of the existing Wireless Communications Facility prepared by a Professional Engineer licensed by the State of Florida indicating that the existing antenna-supporting structure as well as all existing and proposed appurtenances meets Florida Building Code requirements (including windloading) for the antenna-supporting structure.

(4) A statement from the applicant setting forth the reasons for the modification.

(5) Payment of the application fee(s) as set forth in the Town of Davie's current Fee Schedule.

(B) Upon receipt of a complete application (as defined in Section 12-521) the Town Administrator shall approve or deny such application within 45 business days. The Town Administrator shall set forth in writing the basis of his decision, and shall have the right to seek Supplemental Review of the application as set forth in 12-515 prior to making a decision on such application. Any application denied by the Town Administrator may be reconsidered by the Town Council upon petition of such denied applicant.

12-521 – Application Submission, Completeness. Any application submitted pursuant to this Article XV shall be reviewed by Town Staff for completeness upon submission. If any required item fails to be submitted, the application shall be deemed incomplete. Staff shall advise an applicant within twenty (20) business days after submittal of an application if such application, for administrative purposes only, is considered complete and is properly submitted. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application which the applicant must correct and/or submit in order for the application to be deemed complete. Staff shall then have a further twenty (20) business days to give notice as to the amended application's completeness. The date Staff advises the applicant that such application is complete shall be the commencement date for purposes of calculating time under F.S. §365.172 (11)(c).

12-522 – Town Master Telecommunications Plan. Any application submitted pursuant to this Article XV shall be evaluated by Staff in accordance with the Town's Master Telecommunications Plan ("Plan"). To develop and maintain the Plan, the Town's consultant shall use signal propagation methods and professional engineers qualified in this discipline and assure compliance with all federal, state and local regulations. The Town's Plan was adopted on June 18, 2003 and may be amended and revised by a resolution.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS_____DAY OF_____, 2003

PASSED ON SECOND READING THIS_____DAY OF_____, 2003

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2003